

AO 441 (Rev. 5/85) Third Party summons in a Civil Action

# United States District Court

## Northern District of Oklahoma

STATE OF OKLAHOMA, ex rel., et al.  
**PLAINTIFF**

v.

TYSON FOODS, INC. et al.  
**DEFENDANTS AND THIRD-PARTY PLAINTIFFS**

### THIRD PARTY SUMMONS IN A CIVIL ACTION

**CASE NUMBER: 05-CV-0329-JOE-SAJ**

v.

City of Tahlequah, et al.  
**THIRD PARTY DEFENDANTS**

To: **John E. Cotherman individually**  
**P. O. Box 90,**  
**Gore OK 74435**

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

#### PLAINTIFF ATTORNEY

Douglas Allen Wilson  
 Melvin David Riggs  
 Richard T. Garren  
 Sharon K. Weaver  
 Riggs Abney Neal Turpen Orbison & Lewis  
 502 West 6<sup>th</sup> Street  
 Tulsa, OK 74119-1010

#### DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEYS:

A. Scott McDaniel  
 Joyce, Paul & McDaniel PLLC  
 1717 South Boulder, Suite 200  
 Tulsa, OK 74119  
 For Peterson Farms

Robert W. George  
 Kutack Rock LLP  
 The Three Sisters Building  
 214 West Dickson Street  
 Fayetteville, AR 72701-5221  
 For Tyson Foods, Inc.

R. Thomas Lay  
 Kerr, Irvine, Rhodes & Ables  
 201 Robert S. Kerr Ave., Suite 600  
 Oklahoma City, OK 73102  
 For Willow Brook Foods, Inc.

Robert P. Redemann  
 Lawrence W. Zeringue  
 David C. Senger  
 Perrine, McGivern, Redemann, Reid,  
 Berry & Taylor, PLLC  
 P. O. Box 1710  
 Tulsa, OK 74101-1710  
 For Cal-Maine Foods, Inc.

George W. Owens  
 Randall E. Rose  
 The Owens Law Firm, P.C.  
 234 West 13<sup>th</sup> Street  
 Tulsa, OK 74119  
 For George's Inc.

John R. Elrod  
 Vicki Bronson  
 Conner & Winters, P.C.  
 100 West Center Street, Suite 200  
 Fayetteville, AR 72701  
 For Simmons Foods, Inc.

an answer to the Third-Party Complaint which is herewith served upon you within **20 days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint. There is also served upon you herewith a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiff's Complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the Third-Party Plaintiff is demanding judgment against you in favor of the original Plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff.

**MAR 15 2006**

Phil Lombardi

Clerk

Date

*S. MacDart*  
 (By) DEPUTY CLERK

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <u>3/23/2006</u>	
NAME OF SERVER (PRINT) <u>Elizabeth Trotta</u>	TITLE <u>Paralegal</u>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the third-party defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:  <input type="checkbox"/> Returned unexecuted:  <input checked="" type="checkbox"/> Other (specify): <u>certified mail, restricted delivery</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>3/30/2006</u> Date <u>Elizabeth Trotta</u> Signature of Server</p> <p style="text-align: center;"><u>1717 South Boulder Ste 200 Tulsa OK</u> Address of Server <u>74119</u></p>		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	Postal Service <sup>TM</sup> CERTIFIED MAIL <sup>TM</sup> RECEIPT (Certified Mail Only; No Insurance Coverage Provided)										
1. Article Addressed to: <u>John E. Cotherman</u> <u>Individually</u> <u>PO Box 90</u> <u>Gore, OK 74435</u>	A. Signature <input checked="" type="checkbox"/> <u>John E. Cotherman</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) <u>John E. Cotherman</u> C. Date of Delivery <input type="checkbox"/> YES, enter delivery address below: <input type="checkbox"/> No 3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes	Every information visit our website at <a href="http://www.usps.com">www.usps.com</a> <div style="border: 1px solid black; padding: 5px; text-align: center;">             OFFICIAL USE              POSTAL STATION 7110              MAR 15 2006              Postmark Here           </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Postage</td> <td>\$ <u>6.55</u></td> </tr> <tr> <td>Certified Fee</td> <td><u>2.20</u></td> </tr> <tr> <td>Receipt Fee (Not Required)</td> <td><u>1.15</u></td> </tr> <tr> <td>Delivery Fee (Not Required)</td> <td><u>3.70</u></td> </tr> <tr> <td>Page &amp; Fees</td> <td>\$ <u>14.10</u></td> </tr> </table>	Postage	\$ <u>6.55</u>	Certified Fee	<u>2.20</u>	Receipt Fee (Not Required)	<u>1.15</u>	Delivery Fee (Not Required)	<u>3.70</u>	Page & Fees	\$ <u>14.10</u>
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Page & Fees	\$ <u>14.10</u>											
2. Article Number (Transfer from service label) <u>7005 3110 0002 7876 0973</u>	Signature <u>John E. Cotherman</u> Address <u>PO Box 90</u> <u>Gore OK 74435</u>	Date <u>10, June 2002</u>										